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Anderson, Diane

*Ed Smith*CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 09-0688

From: Pastor Rolf Preus <rolfpreus@msn.com>
Sent: Saturday, December 3, 2016 2:28 PM
To: Court, SCclerk
Subject: Regarding proposed change to Rule 8.4

FILED

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*Ed Smith*CLERK OF THE SUPREME COURT
STATE OF MONTANA

December 3, 2016

Montana Supreme Court
PO Box 203003
Helena, MT 59620

Dear Members of the Court:

I am writing in response to your invitation for public comment on the new paragraph proposed for Rule 8.4 of the Montana Rules of Professional Conduct for lawyers in Montana. I would like specifically to address myself to the proposed prohibition of "harassment or discrimination on the basis of . . . sexual orientation . . ."

I am trained in theology, not the law, and my concern is primarily theological. I do not ask you to accept the theological teaching of my church. I do ask you to respect the rights of members of my church who are lawyers in the state of Montana to practice their religion freely without penalty by the state in accordance with the free exercise clause of the First Amendment of the United States Constitution.

I serve Trinity Lutheran Church in Sidney and St. John Lutheran Church in Fairview. These are congregations of the Lutheran Church – Missouri Synod. The LCMS has over 2 million members nationwide and holds to the traditional teaching of the Christian Church on matters pertaining to sexual conduct. We teach that the Sixth Commandment, "You shall not commit adultery," forbids all sexual intimacy outside of the bond of marriage between one man and one woman. All of our members are obliged, by their membership in our congregations, to confess this biblical truth with us. It is a condition of membership.

Again, without asking any of you to agree with our teaching on this matter, I would like to point out to you that a lawyer who belongs to one of our congregations is obliged to confess as his public confession the truthfulness of our corporate confession. We teach that homosexual desires and conduct is a sin against God that God's people must condemn in no uncertain terms. I leave it to you to apply the proposed addition to Rule 8.4 to a lawyer of one of our congregations who publicly confesses the truth of our teaching on this matter. Does that make him guilty of harassing or discriminating against homosexuals?

Our churches teach that Christians should submit to the civil authorities as God's servants. If, however, lawyers practicing law in Montana are required by the state to muzzle their Christian voices in order not to offend the sensibilities of manifestly impenitent homosexuals, it would be our Christian duty to urge them to disobey the state and obey God instead. Please do not put the lawyers who belong to our churches in such a precarious position!

Thank you for your kind attention to my words.

Sincerely,

Rev. Rolf David Preus

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